

National Judicial Appointment Commission

(NJAC) - Act, Case, Verdict



What is the National Judicial Appointments Commission?

National Judicial Appointments Commission (NJAC) was a proposed body under the NJAC Act, 2014, aimed at reforming the process of appointing judges to the higher judiciary in India. It was intended to replace the existing collegium system.

National Judicial Appointments Commission – UPSC Note

For UPSC aspirants, understanding NJAC is crucial under Indian Polity and Governance. It touches on judicial independence, constitutional amendments, and separation of powers.

National Judicial Appointments Commission Act 2014

The NJAC Act, 2014, along with the 99th [Constitutional Amendment Act](#), was passed by the Parliament to create a constitutional body that would oversee the appointments and transfers of judges to the Supreme Court and High Courts.

National Judicial Appointments Commission Members

The NJAC was proposed to have the following composition:

1. Chief Justice of India (CJI) – Chairperson (ex officio)
2. Two senior-most Supreme Court judges – Members
3. Union Law Minister – Member
4. Two eminent persons – Nominated by a committee comprising the CJI, PM, and Leader of Opposition in Lok Sabha

This composition was aimed at balancing judicial independence with executive accountability.

Constitutionality of NJAC – Supreme Court Verdict

Why Was the NJAC Struck Down?

In October 2015, the Supreme Court of India in the Fourth Judges Case (2015) struck down the NJAC Act and the 99th Constitutional Amendment as unconstitutional. The court held that the NJAC violated the basic structure of the Constitution, particularly the principle of judicial independence.

When Was the NJAC Introduced?

1. The NJAC Bill was introduced in the Parliament in August 2014.
2. The Constitution (99th Amendment) Act and the NJAC Act were passed by Parliament in December 2014.
3. They received presidential assent in January 2015 and came into effect on April 13, 2015.
4. The Supreme Court verdict nullifying NJAC came on October 16, 2015.

Is NJAC a Constitutional Body?

Yes, the NJAC was intended to be a constitutional body created through the 99th Constitutional Amendment. However, since the amendment was struck down, the NJAC has no legal standing today.

What is the Collegium System?

The collegium system is a judicial mechanism through which judges appoint judges, developed through Supreme Court judgments (Three Judges Cases). It is not mentioned in the Constitution.

How Does NJAC Differ?

| Feature | Collegium System | NJAC |
|-----------------------|----------------------------|-----------------------------------------|
| Authority | Judiciary only | Judiciary + Executive + Eminent Persons |
| Transparency | Often criticized as opaque | Aimed to be more transparent |
| Accountability | Internal | Includes public representatives |
| Constitutional Status | Judicially evolved | Constitutional amendment |

Purpose of the NJAC

- Ensure greater transparency in judicial appointments
- Promote checks and balances between the judiciary and executive
- Introduce public accountability
- Reform the opaque collegium system

Role of Each Member in the NJAC

- CJI: Chaired the commission
- Two Senior Judges: Represented judicial experience
- Law Minister: Introduced executive involvement
- Two Eminent Persons: Brought public perspective; could veto decisions (with any other member)

Why Did the Government Want to Replace the Collegium System?

Lack of Transparency and Accountability

collegium system operates without publicly disclosed procedures, leading to questions about how decisions are made. The absence of formal records or selection criteria makes it difficult to hold anyone accountable. This secrecy has sparked demands for reforms to ensure openness in judicial appointments and transfers across higher courts.

Allegations of Nepotism and Favoritism

Critics argue that the collegium system encourages favoritism, where personal connections may influence judicial appointments. Without transparent selection mechanisms, there's room for nepotism, undermining public trust. Some claim that merit is often overlooked, and influential families or networks dominate, which damages the judiciary's reputation for fairness and impartiality.

No Formal Criteria for Selection

collegium does not follow a codified or publicly known set of criteria for appointing judges. Decisions are based on internal deliberations, making the process appear arbitrary. This lack of objective standards can lead to inconsistent or biased selections, reducing the perceived legitimacy of those elevated to higher judicial positions.

Perceived Closed-Door Decision-Making

Judicial appointments under the collegium are finalized behind closed doors with no public consultation or official documentation. This secrecy fosters suspicion about how and why certain judges are chosen or rejected. Without external oversight or transparency, the process is often criticized for being elitist and resistant to accountability or reform.

Criticisms of the National Judicial Appointments Commission

Threat to Judicial Independence

NJAC was criticized for potentially compromising judicial independence. By including non-judicial members like the Law Minister and eminent persons, the judiciary's exclusive authority over appointments was diluted. Critics feared this would allow external pressures to influence judicial selections, weakening the principle of separation of powers and impartial adjudication.

Executive Influence Could Undermine Impartiality

Involving the executive, particularly the Law Minister, in judicial appointments raised concerns of political interference. The judiciary's impartiality depends on its independence from the executive branch. Critics argued that allowing the government a role in appointments could lead to biased selections and undermine public confidence in judicial fairness and neutrality.

Veto Power for Eminent Persons Was Seen as Problematic

Under the NJAC, two eminent persons could jointly veto any appointment, even overriding judicial members. This provision was controversial, as it

granted significant power to individuals without clear qualifications or accountability. Critics warned that such veto authority could be misused and obstruct meritorious appointments, disrupting the judicial selection process.

Ambiguity in Selection of Eminent Persons

The NJAC did not clearly define how “eminent persons” would be chosen or what qualifications they must have. This ambiguity raised concerns about potential bias, political appointments, or unqualified individuals gaining influence over judicial appointments. The lack of transparency in this selection process was viewed as a major flaw in the NJAC framework.

Supreme Court’s Verdict on the National Judicial Appointments Commission

In the landmark Supreme Court *Advocates-on-Record Association vs Union of India* (2015):

- NJAC was declared unconstitutional by a 4:1 majority
- Reinstated the collegium system
- Urged reform in the collegium to improve transparency

Public and Expert Opinion on NJAC vs Collegium

Public Opinion on NJAC vs Collegium:

- Many supported NJAC for promising transparency and accountability.
- However, fears about executive overreach also prevailed.

Expert Opinion on NJAC vs Collegium:

- Mixed reactions: Some legal experts called for a reformed collegium, while others favored NJAC with safeguards.

National Judicial Appointments Commission in Hindi

राष्ट्रीय न्यायिक नियुक्ति आयोग (NJAC) भारत सरकार द्वारा न्यायपालिका में पारदर्शिता और जवाबदेही सुनिश्चित करने के लिए प्रस्तावित एक संवैधानिक निकाय था, जिसे 2015 में सुप्रीम कोर्ट द्वारा असंवैधानिक घोषित किया गया।

| Topic | Description |
|-------------|--------------------------------------------------|
| Full Name | National Judicial Appointments Commission (NJAC) |
| Act Passed | NJAC Act, 2014 |
| Amendment | 99th Constitutional Amendment |
| Introduced | 2014 |
| Struck Down | 2015 |
| Purpose | Reform judicial appointments |
| Replaced By | Collegium System (reinstated) |

National Judicial Appointments Commission Details

National Judicial Appointments Commission (NJAC) was a bold step toward reforming judicial appointments in India, but its constitutional invalidation reaffirmed the judiciary's independence. While the collegium system continues, calls for transparency and reform persist.